

**AN ORDINANCE
BY COUNCILMEMBER CLETA WINSLOW**

AN ORDINANCE TO CHANGE THE EFFECTIVE DATE OF CREATION FOR THAT PORTION OF THE CASTLEBERRY HILL MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE KNOWN AS THE CASTLEBERRY INN/LEGACY AT CASTLEBERRY HILL (PHASE II), FROM JANUARY 1, 1996 TO JANUARY 1, 2003; AND FOR OTHER PURPOSES.

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for mixed-use residential/commercial purposes; and

WHEREAS, by ordinance adopted by the City Council on October 2, 1995 which became effective on October 7, 1995, created the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone with tax abatements to become effective January 1, 1996; and


WHEREAS, Russell New Urban Development, LLC – Developer of Castleberry Inn Development, LLC - Owner, has requested that the effective date of creation for that portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone known as the Castleberry Hill/Legacy at Castleberry Hill (Phase II), (Parcel Identification Number T14 00840009002), located at 170 Northside Dr. SW be changed from January 1, 1996 to January 1, 2003; and

WHEREAS, the commercial portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone has remained undeveloped as a result of unanticipated development impediments; and

WHEREAS, The State of Georgia General Assembly's House Bill 483 amends the Atlanta/Fulton County Urban Enterprise Zone Act by giving the Council of the City of Atlanta authority to change the effective date for local enterprise zones that remain undeveloped as a result of unanticipated development impediments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: The Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone is hereby amended. The effective date of all exemptions for that portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone known as the Castleberry Inn/Legacy at Castleberry Hill (Phase II) shall be January 1, 2003. That portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone known as the Castleberry Inn/Legacy at Castleberry Hill (Phase II) shall be abolished on December 31, 2012. That portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone known as the Castleberry Inn/Legacy at Castleberry Hill (Phase II) shall otherwise not be abolished except as provided in State law.



Section 2: Thirty-three percent (33%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (50%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

Section 3: The Municipal Clerk is hereby directed to transmit a copy of this ordinance as well as the legal description of the portion of the Castleberry Hill Mixed-Use Residential/Commercial Enterprise Zone known as the Castleberry Inn/Legacy at Castleberry Hill (Phase II), to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

Section 4: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

MAY 06, 2002
MAY 14, 2002

CASTLEBERRY HILL MIXED-USE RESIDENTIAL/ COMMERCIAL ENTERPRISE ZONE

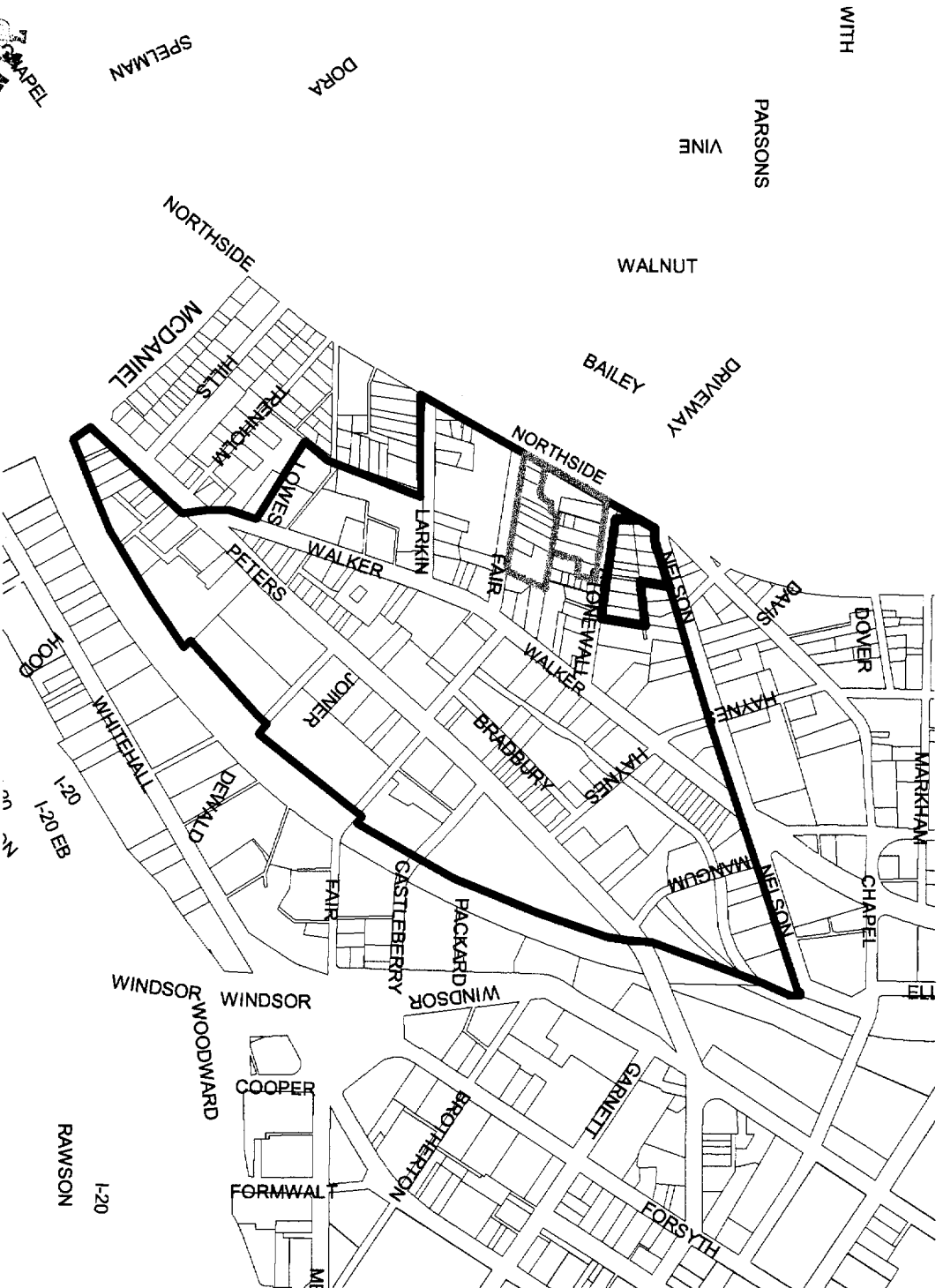


EXHIBIT "A"

RCS# 3723
5/06/02
4:03 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14: Except 02-R-0507: 02-O-0668
02-R-0701; 02-O-0594; 02-O-0675; 0584
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0701
02-O-0584
02-O-0594
02-O-0675
02-O-0668

CONSENT I

		05/06/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-0666	34. 02-R-0613	47. 02-R-0625
2. 02-O-0678	35. 02-R-0614	48. 02-R-0626
3. 02-O-0681	36. 02-R-0615	49. 02-R-0627
4. 02-O-0684	37. 02-R-0616	50. 02-R-0628
5. 02-O-0487	38. 02-R-0617	51. 02-R-0629
6. 02-O-0491	39. 02-R-0618	52. 02-R-0630
7. 02-O-0686	40. 02-R-0619	53. 02-R-0631
8. 02-O-0687	41. 02-R-0620	54. 02-R-0632
9. 02-O-0688	42. 02-R-0621	55. 02-R-0633
10. 02-O-0086	43. 02-R-0622	56. 02-R-0634
11. 02-O-0672	44. 02-R-0623	57. 02-R-0635
12. 02-O-0689	45. 02-R-0624	58. 02-R-0636
13. 02-O-0563	46. 02-R-0700	59. 02-R-0637
14. 02-O-0673		60. 02-R-0638
15. 02-O-0674		61. 02-R-0639
16. 02-R-0512		62. 02-R-0640
17. 02-R-0680		63. 02-R-0641
18. 02-R-0598		64. 02-R-0642
19. 02-R-0697		65. 02-R-0643
20. 02-R-0600		66. 02-R-0644
21. 02-R-0658		67. 02-R-0645
22. 02-R-0702		68. 02-R-0646
23. 02-R-0480		69. 02-R-0647
24. 02-R-0507		70. 02-R-0648
25. 02-R-0501		71. 02-R-0649
26. 02-R-0604		72. 02-R-0650
27. 02-R-0704		73. 02-R-0651
28. 02-R-0607		74. 02-R-0652
29. 02-R-0608		75. 02-R-0653
30. 02-R-0609		76. 02-R-0654
31. 02-R-0610		77. 02-R-0655
32. 02-R-0611		78. 02-R-0656
33. 02-R-0612		79. 02-R-0657

26

02-0-0687

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER CLETA WINSLOW

Cleta Winslow

AN ORDINANCE TO CHANGE THE EFFECTIVE DATE OF CREATION FOR THAT PORTION OF THE CASTLEBERRY HILL MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE KNOWN AS THE CASTLEBERRY INN/LEGACY AT CASTLEBERRY HILL (PHASE II) FROM JANUARY 1, 1996 TO JANUARY 1, 2003; AND FOR OTHER PURPOSES

ADOPTED BY

MAY 06 2002

COUNCIL

As Amended☐ CONSENT REFER☐ REGULAR REPORT REFER ☒ Paper☐ ADVERTISE & REFER☐ 1st ADOPT 2nd READ & REFER

Date Referred

4/1/02

Referred To:

CD/HR

First Reading

Committee

Date

Chair

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

COUNCIL ACTION

☒ 2nd☐ 1st & 2nd☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

MAY 06 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodward

CERTIFIED

MAY 06 2002

Frankie Dugan Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 14 2002

MAYOR